

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re)	
)	Chapter 11
BLACKJEWEL, L.L.C., <i>et al.</i> ¹)	
)	Case No. 19-30289
Debtors,)	
)	(Jointly Administered)
)	
THE BLACKJEWEL LIQUIDATION)	
TRUST,)	Chapter 11
)	
Plaintiff)	Adversary Proceeding No. 21-03007
)	
vs.)	
)	
CONSTRUCTION & RECLAMATION)	
SERVICES, LLC,)	
)	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED AND EXPEDITED MOTION TO MODIFY
SCHEDULING ORDER**

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, as made applicable by Federal Rule of Bankruptcy Procedure 7056, Construction & Reclamation Services, LLC (“Defendant”), by and through its undersigned counsel, respectfully moves on an expedited basis for an order modifying the deadline for filing dispositive motions and supporting materials, including affidavits and supporting briefs, from March 7, 2022 to April 18, 2022. Defendant has conferred with Plaintiff in respect of this Motion and the Plaintiff does not oppose the relief sought herein. In support of this Motion, the Defendant represents as follows:

¹ The Debtors in these Chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Blackjewel, L.L.C. (0823); Blackjewel Holdings L.L.C. (4745); Revelation Energy Holdings, LLC (8795); Revelation Management Corporation (8908); Revelation Energy, LLC (4605); Dominion Coal Corporation (2957); Harold Keene Coal Co. LLC (6749); Vansant Coal Corporation (2785); Lone Mountain Processing, LLC (0457); Powell Mountain Energy, LLC (1024); and Cumberland River Coal LLC (2213).

BACKGROUND

1. This adversary proceeding was commenced by Plaintiff by the filing of its Complaint against Defendant on May 26, 2021 (the “Adversary Proceeding”).

2. On August 16, 2021, the parties submitted a Joint Scheduling Memorandum identifying, among other things, that the deadline for each of the parties to file dispositive motions and supporting materials, including affidavits and supporting briefs, would be March 7, 2022 (the “Dispositive Motion Deadline”). *See* Docket No. 19,² at (C)(6).

3. On August 17, 2021, this Court entered a Scheduling Order which approved the Dispositive Motion Deadline among other things. *See* Docket No. 21.

4. As the Court is aware, the Adversary Proceeding is one of seven adversary proceedings filed by Plaintiff against a number of entities associated in some form or fashion with either Jeffery A. Hoops or members of Mr. Hoops’ family, all of which are represented by Defendant’s undersigned counsel.

5. Of these seven adversary proceedings, three have a current discovery deadline of March 18, 2022 and a dispositive motion deadline of April 18, 2022. *See* Adv. No. 20-03008, Docket No. 95, Adv. No. 20-03012, Docket No. 78, and Adv. No. 20-03015, Docket No. 58.

6. Due to the impending discovery deadline in Adv. Nos. 20-03008, 20-03012, and 20-03015 (collectively, the “Main Proceedings”), the parties to those actions are and will be heavily engaged in depositions in respect of those matters until March 18, 2022. Specifically, seven depositions have occurred as of the filing of this Motion, and seven more are contemplated to occur prior to March 18, 2022.

² All references to Docket Numbers refer to Adv. Proc. No. 21-03007 unless otherwise specified.

REQUEST FOR RELIEF

7. Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, made applicable by Rule 7056 of the Federal Rules of Bankruptcy Procedure, summary judgment motions must be filed within 30 days after the close of discovery, unless the court orders otherwise. *See* F.R.C.P. 56(b).

8. Defendant submits that good cause exists to extend the Dispositive Motion Deadline to April 18, 2022, to match the deadline in the Main Proceedings, so that the Dispositive Motion Deadline does not fall in the middle of the deposition schedule outlined above. Defendant submits that extending the Dispositive Motion Deadline will not prejudice the Plaintiff and, as noted above, the Plaintiff is not opposed to such an extension.

9. Likewise, in connection with this requested modification to the Scheduling Order, Defendant proposes that the Court modify the corresponding deadline for Plaintiff to file a request for the Court to schedule a final pre-trial hearing (if no dispositive motions are filed) (the “Pre-Trial Hearing Request Deadline”) from March 11, 2022, to April 22, 2022. *See* Docket No. 21, at ¶ 4.

10. This is the first request by either party to this Adversary Proceeding for a modification to the Scheduling Order.

REQUEST FOR EXPEDITED CONSIDERATION

11. Defendant requests that this Court grant or otherwise consider this Motion on an expedited basis prior to the current Dispositive Motion Deadline of March 7, 2022.

WHEREFORE, the Defendant respectfully requests that the Court enter an order, substantially in the form attached hereto as Exhibit A, extending the Dispositive Motion Deadline to April 18, 2022 and extending the Pre-Trial Hearing Request Deadline to April 22, 2022.

Dated: March 2, 2022

Respectfully submitted,

MCGUIREWOODS LLP

/s/ Frank J. Guadagnino

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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of March 2022, a true and correct copy of the foregoing motion was served via the Court's electronic case filing system (CM/ECF) to all parties registered to receive such notice in the above-captioned proceeding.

/s/ Frank J. Guadagnino

Frank J. Guadagnino